

Introduced by Senator Bowen

September 14, 2001

Senate Concurrent Resolution No. 46—Relative to the state of emergency.

LEGISLATIVE COUNSEL'S DIGEST

SCR 46, as introduced, Bowen. State of emergency: energy shortage.

Under existing law, a “state of emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by various specified conditions, including a sudden and severe energy shortage. Pursuant to existing law, on January 17, 2001, a state of emergency was proclaimed to exist by the Governor due to a shortage of electricity. Under existing law, the Governor is required to proclaim the termination of a state of emergency at the earliest possible date that conditions warrant. The powers granted the Governor by law with respect to a state of emergency terminate when the state of emergency has been terminated by proclamation of the Governor or concurrent resolution of the Legislature declaring it at an end.

This measure would declare that the condition of electric service in California no longer constitutes a sudden and severe energy shortage and that the state of emergency declared by the Governor on January 17, 2001, is at an end.

Fiscal committee: yes.

- 1 WHEREAS, On January 17, 2001, the Governor issued a
- 2 proclamation declaring a state of emergency due to a shortage of
- 3 electricity in California; and

1 WHEREAS, Since the Governor's emergency proclamation,
2 the following has occurred:

3 (a) Six new powerplants have commenced operation in
4 California, providing a total of 1,635 megawatts of new electricity
5 supply, and 20 powerplant applications have been approved by the
6 State Energy Resources Conservation and Development
7 Commission, representing approximately 5,000 megawatts of
8 additional electricity supply.

9 (b) The Legislature passed and the Governor signed Senate Bill
10 28 (Chapter 12, Statutes of 2001, First Extraordinary Session) to
11 streamline and expedite state and local permitting of proposed
12 powerplants.

13 (c) The Legislature passed and the Governor signed Assembly
14 Bill 6 (Chapter 2, Statutes of 2001, First Extraordinary Session)
15 to ensure that generation facilities owned by investor-owned
16 utilities remain dedicated to service for the benefit of California
17 ratepayers.

18 (d) The Legislature passed and the Governor signed Senate Bill
19 6 (Chapter 10, Statutes of 2001, First Extraordinary Session) to
20 establish the California Consumer Power and Conservation
21 Financing Authority, which is authorized to issue up to \$5 billion
22 to finance new electric generation and energy efficiency projects.

23 (e) The Legislature passed and the Governor signed Senate Bill
24 5 and Assembly Bill 29 (Chapters 7 and 8, Statutes of 2001, First
25 Extraordinary Session) to provide over \$850 million in new
26 funding to expand conservation, energy efficiency, and demand
27 management measures that reduce peak electricity consumption.

28 (f) Energy conservation efforts of California consumers have
29 reduced significantly statewide electricity demand; and

30 WHEREAS, As a result of these and other actions of the
31 Governor and the Legislature, as well as other public and private
32 entities, significant electric service disruptions have been avoided,
33 and electricity prices have stabilized and decreased; and

34 WHEREAS, While the condition of electric service in
35 California demands continued attention and Californians must
36 continue to seek all available remedies for unjust and unreasonable
37 prices charged for electricity and examine and address the market
38 conditions that contributed to the energy crisis, each of the
39 conditions justifying the declaration of emergency has been
40 addressed to an extent that they no longer constitute extreme peril



1 to the safety of persons and property within the state; now,
2 therefore, be it
3 *Resolved by the Senate of the State of California, the Assembly*
4 *thereof concurring,* That the condition of electric service in
5 California no longer constitutes a “sudden and severe energy
6 shortage” within the meaning of Section 8558 of the Government
7 Code and that, pursuant to Section 8629 of the Government Code,
8 the Legislature declares that the state of emergency proclaimed by
9 the Governor on January 17, 2001, is at an end.

